

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

Case No. 1:05CR00076

OPINION

v.

**MONICA MARGARET
WORLEY,**

By: James P. Jones
Chief United States District Judge

Defendant.

Randy Ramseyer, Assistant United States Attorney, Abingdon, Virginia, for United States; Nancy Dickenson, Assistant Federal Public Defender, Abingdon, Virginia for Defendant.

The government has objected to any reduction in sentence for this defendant, who is eligible for such a reduction under 18 U.S.C. § 3582(c)(2) by virtue of the lowering of the crack cocaine guidelines.

I will overrule the government's objections.

The government asks this court to focus on information contained in the original Presentence Investigation Report, specifically the defendant's prior conviction for breaking and entering.

The sentencing guidelines provide a mechanism for consideration of the defendant's criminal history via the Criminal History Category. In this case, the defendant was assigned a Criminal History Category of II. Absent any evidence that

this defendant's Criminal History Category uniquely fail to paint an accurate picture of the defendant's background or danger to the public, I find that the defendant's criminal history is not a bar to a reduction in sentence.

A separate judgement will be entered.

Dated: April 14, 2008

/s/ JAMES P. JONES
Chief United States District Judge